IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 3427 of 2007(G)

PETITIONER:

T.N. RAVEENDRAN,
JTHANNIKKAL THEKKETHIL HOUSE,
PANAMATTAM KARA, ELAMKULAM VILLAGE,
KANJIRAPPALLY.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS:

1. P.S. SHAJI, PARAYARUPARAMBIL,
CHENGALAM P.O., ELAMKULAM, PONKUNNAM.

2. THE ADMINISTRATOR, ELAMKULAM SERVICE
CO-OPERATIVE BANK LTD., KOORALI P.O.,
KOTTAYAM.

3. ELAMKULAM SERVICE CO-OPERATIVE LTD.,
REPRESENTED BY ITS SECRETARY,
KOPORALI P.O., KOTTAYAM.

4. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KOTTAYAM.

5. REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), TRIVANDRUM.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 3427/2007

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE RESOLUTION OF THE BOARD DTD.20.5.92.

P2. COPY OF THE AWARD OF THE TRIBUNAL IN ID.NO.95/2000.

P3. COPY OF THE ORDER DTD.18.10.2006 IN W.P.C.NO.15492/04.

P4. COPY OF THE COUNTER AFFIDAVIT BY R2 BEFORE THIS COURT IN W.P.C.NO.15592/04.

P5. COPY OF THE WRITTEN STEMENT FILED BY R2 BEFORE THE TRIBUNAL.

P6. COPY OF THE AWARD DTD.15.11.2006 OF THE LOK ADALATH.

P7 COPY OF THE JUDGMENT DTD.14.11.06 IN W.P.C.NO.30027/06.
\

P8. COPY OF THE REPRESENTATION DTD.13.11.2006 BEFORE R4.
\

P9. COPY OF THE ORDER OF R4 DTD.4.1.07,

P10. COPY OF THE APPOINTMENT ORDER DTD.5.1.07 BY R2.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

==========

W.P.(C).No.3427 of 2007

==========

Dated this the 7th day of March, 2007

J U D G M E N T

The petitioner is a member of the third respondent society. He has a case that the 1st respondent has obtained a job in the third respondent society on the basis of a forged resolution, of which the 1st respondent was the author. It appears that the first respondent thereafter moved this court by filing W.P(C).No. 15492/2004 which was posted before the Lok Adalath of the High Court, who passed Ext.P6 order in which a settlement by which the administrator of the bank agreed to appoint the petitioner as Attender or Peon against an existing vacancy, forgoing backwages and costs was recorded. Pursuant to the same, the Joint Registrar passed Exts.P9 and P10 orders in implementation of the decision of the Lok Adalath. The petitioner's contention in this writ

petition is that since the basis of these orders is a forged resolution, the 1st respondent cannot take advantage of the same and therefore, he is not entitled to be appointed as Attender or Peon in the third respondent society. He also seeks initiation of proceedings against the first respondent under Section 340 of the Code of Criminal Procedure, 1973.

2. I am afraid that this court cannot now grant either of the two prayers. Regarding Exts.P9 and P10, the same have been passed pursuant to a decision by the Lok Adalath of the High Court as per Ext.P6. That decision is not under challenge before me and even if the same had been challenged, I cannot sit in appeal over the same. Regarding the second prayer, since the forgery, if any, on the part of the 1st respondent was not detected in the course of any proceedings before this court, this court cannot initiate proceedings under Section 340 of the Cr.P.C. In the above circumstances, without prejudice to the right of the petitioner to initiate appropriate proceedings before any

appropriate authority against the first respondent for the alleged forgery, as alleged by the petitioner, this writ petition is dismissed.

sdk+ S.SIRI JAGAN, JUDGE